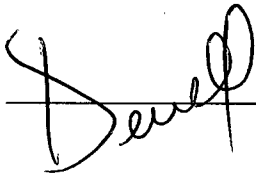


By: _____



S.B. No. 51

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of academic dyslexia teachers and therapists; imposing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. REGULATION OF ACADEMIC DYSLEXIA TEACHERS AND THERAPISTS. Subtitle G, Title 3, Occupations Code, is amended by adding Chapter 403 to read as follows:

CHAPTER 403. ACADEMIC DYSLEXIA TEACHERS AND THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 403.001. DEFINITIONS. In this chapter:

(1) "Academic dyslexia therapy" means the treatment of reading, writing, and spelling disorders associated with dyslexia.

(2) "Commission" means the Texas Commission of Licensing and Regulation.

(3) "Department" means the Texas Department of Licensing and Regulation.

(4) "License holder" means a person who holds a license issued under this chapter.

Sec. 403.002. ADMINISTRATION BY TEXAS DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter.

Sec. 403.003. EXEMPTION; EDUCATORS. This chapter does not apply to a person who is required to hold a certificate issued under Subchapter B, Chapter 21, Education Code.

1 [Sections 403.004-403.050 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 403.051. ADVISORY COMMITTEE. The department may
4 appoint an advisory committee to advise the department in
5 administering this chapter.

6 Sec. 403.052. RULES. The commission shall adopt rules
7 necessary to administer and enforce this chapter, including rules
8 that establish standards of ethical practice.

9 [Sections 403.053-403.100 reserved for expansion]

10 SUBCHAPTER C. LICENSE REQUIREMENTS

11 Sec. 403.101. LICENSE REQUIRED. A person may not use the
12 title "academic dyslexia teacher" or "academic dyslexia therapist"
13 in this state unless the person holds the appropriate license under
14 this chapter.

15 Sec. 403.102. ISSUANCE OF LICENSE. The department shall
16 issue an academic dyslexia teaching or therapy license to an
17 applicant who meets the requirements of this chapter.

18 Sec. 403.103. LICENSE APPLICATION. (a) A license
19 applicant must apply to the department on a form and in the manner
20 the department prescribes.

21 (b) The application must be accompanied by a nonrefundable
22 application fee.

23 Sec. 403.104. ELIGIBILITY FOR ACADEMIC DYSLEXIA TEACHER
24 LICENSE. (a) To be eligible for an academic dyslexia teacher
25 license, an applicant must:

26 (1) have a baccalaureate degree conferred by an
27 accredited institution of higher education;

1 (2) have successfully completed at least 45 hours in
2 courses related to academic dyslexia therapy, including training in
3 multisensory structured written language training; and

4 (3) have completed at least 90 hours of practice of
5 supervised clinical experience related to academic dyslexia
6 therapy, including at least five conferences with clients observed
7 by the supervisor.

8 (b) Clinical experience required under Subsection (a)(3)
9 must be obtained under:

10 (1) the supervision of a license holder; and

11 (2) guidelines approved by the department.

12 Sec. 403.105. ELIGIBILITY FOR ACADEMIC DYSLEXIA THERAPIST
13 LICENSE. (a) To be eligible for an academic dyslexia therapist
14 license, an applicant must:

15 (1) have at least a master's degree conferred by an
16 accredited institution of higher education;

17 (2) have successfully completed at least 200 hours in
18 courses related to academic dyslexia therapy, including training in
19 multisensory structured written language training; and

20 (3) have completed at least 700 hours of practice of
21 supervised clinical experience related to academic dyslexia
22 therapy, including at least 10 conferences with clients observed by
23 the supervisor.

24 (b) Clinical experience required under Subsection (a)(3)
25 must be obtained under:

26 (1) the supervision of a person holding an academic
27 dyslexia therapy license; and

1 (2) guidelines approved by the department.

2 Sec. 403.106. EXAMINATION; RULES. (a) To obtain a license,
3 an applicant must:

4 (1) pass an examination approved by the department;
5 and

6 (2) pay fees set by the commission.

7 (b) The department shall:

8 (1) administer an examination at least twice each
9 year;

10 (2) determine standards for acceptable performance on
11 the examination; and

12 (3) maintain a record of all examination scores for at
13 least two years after the date of examination.

14 (c) The commission by rule may:

15 (1) establish procedures for the administration of the
16 examination; and

17 (2) require a written or oral examination, or both.

18 Sec. 403.107. REEXAMINATION. (a) A person who fails the
19 examination may take a later examination on payment of a
20 nonrefundable fee for the examination.

21 (b) An applicant who fails two examinations may not be
22 reexamined until the person:

23 (1) submits a new application accompanied by a
24 nonrefundable application fee; and

25 (2) presents evidence acceptable to the department of
26 additional study in the area for which a license is sought.

27 Sec. 403.108. WAIVER OF EXAMINATION REQUIREMENT. The

1 department may waive the examination requirement and issue a
2 license to an applicant who holds an appropriate certificate or
3 other accreditation from a national organization recognized by the
4 department.

5 Sec. 403.109. PROVISIONAL LICENSE. (a) The department may
6 issue a provisional license to an applicant currently licensed in
7 another jurisdiction who seeks a license in this state and who:

8 (1) has been licensed in good standing as an academic
9 dyslexia teacher or therapist for at least two years in another
10 jurisdiction, including a foreign country, that has licensing
11 requirements substantially equivalent to the requirements of this
12 chapter;

13 (2) has passed a national or other examination
14 recognized by the department relating to the practice of academic
15 dyslexia therapy; and

16 (3) is sponsored by a person licensed by the
17 department under this chapter with whom the provisional license
18 holder will practice during the time the person holds a provisional
19 license.

20 (b) The department may waive the requirement of Subsection
21 (a)(3) for an applicant if the department determines that
22 compliance with that subdivision would be a hardship to the
23 applicant.

24 (c) A provisional license is valid until the date the
25 department approves or denies the provisional license holder's
26 application for a license.

27 (d) The department shall issue a license under this chapter

1 to the provisional license holder if:

2 (1) the provisional license holder is eligible to be
3 licensed under Section 51.404 or the provisional license holder
4 passes the part of the examination under Section 403.106 that
5 relates to the applicant's knowledge and understanding of the laws
6 and rules relating to the practice of academic dyslexia therapy in
7 this state;

8 (2) the department verifies that the provisional
9 license holder meets the academic and experience requirements for a
10 license under this chapter; and

11 (3) the provisional license holder satisfies any other
12 licensing requirements under this chapter.

13 (e) The department must approve or deny a provisional
14 license holder's application for a license not later than the 180th
15 day after the date the provisional license is issued. The
16 department may extend the 180-day period if the results of an
17 examination have not been received by the department before the end
18 of that period.

19 Sec. 403.110. TEMPORARY LICENSE; RULES. The commission by
20 rule may provide for the issuance of a temporary license.

21 Sec. 403.111. INACTIVE STATUS; RULES. (a) The commission
22 by rule may provide for a license holder to be placed on inactive
23 status.

24 (b) Rules adopted under this section must include a time
25 limit for a license holder to remain on inactive status.

1 [Sections 403.112-403.150 reserved for expansion]

2 SUBCHAPTER D. PRACTICE BY LICENSE HOLDER

3 Sec. 403.151. CONTINUING EDUCATION. (a) A license holder
4 may not renew the person's license unless the person meets the
5 continuing education requirements established by the commission
6 under Section 51.405.

7 (b) The commission shall establish the continuing education
8 requirements in a manner that allows a license holder to comply
9 without an extended absence from the license holder's county of
10 residence.

11 (c) The department shall:

12 (1) provide to a license applicant, with the
13 application form on which the person is to apply for a license,
14 information describing the continuing education requirements; and

15 (2) notify each license holder of any change in the
16 continuing education requirements at least one year before the date
17 the change takes effect.

18 [Sections 403.152-403.200 reserved for expansion]

19 SUBCHAPTER E. LICENSE DENIAL; COMPLAINT AND DISCIPLINARY
20 PROCEDURES

21 Sec. 403.201. COMPLAINTS. Any person may file a complaint
22 with the department alleging a violation of this chapter or a rule
23 adopted under this chapter.

24 Sec. 403.202. PROHIBITED ACTIONS. A license holder may
25 not:

26 (1) obtain a license by means of fraud,
27 misrepresentation, or concealment of a material fact;

1 (2) sell, barter, or offer to sell or barter a license;

2 or

3 (3) engage in unprofessional conduct that endangers or
4 is likely to endanger the health, welfare, or safety of the public
5 as defined by commission rule.

6 Sec. 403.203. MONITORING OF LICENSE HOLDER; RULES. (a) The
7 commission by rule shall develop a system for monitoring a license
8 holder's compliance with this chapter.

9 (b) Rules adopted under this section must include
10 procedures to:

11 (1) monitor for compliance a license holder who is
12 ordered by the department to perform certain acts; and

13 (2) identify and monitor license holders who represent
14 a risk to the public.

15 Sec. 403.204. LICENSE DENIAL, REVOCATION, OR SUSPENSION FOR
16 CRIMINAL CONVICTION. (a) The commission may deny a license or may
17 suspend or revoke a license if the applicant or license holder has
18 been convicted of a misdemeanor involving moral turpitude or a
19 felony. The commission may take action authorized by this section
20 when:

21 (1) the time for appeal of the person's conviction has
22 elapsed;

23 (2) the judgment or conviction has been affirmed on
24 appeal; or

25 (3) an order granting probation is made suspending the
26 imposition of the person's sentence, without regard to whether a
27 subsequent order:

- 1 (A) allows withdrawal of a plea of guilty;
2 (B) sets aside a verdict of guilty; or
3 (C) dismisses an information or indictment.

4 (b) A plea or verdict of guilty or a conviction following a
5 plea of nolo contendere is a conviction for purposes of this
6 section.

7 Sec. 403.205. SCHEDULE OF SANCTIONS; RULES. The commission
8 shall use the schedule of sanctions adopted by commission rule for
9 any sanction imposed as the result of a hearing conducted by the
10 department.

11 Sec. 403.206. REINSTATEMENT. (a) A person may apply for
12 reinstatement of a revoked license on or after the first
13 anniversary of the date of revocation.

14 (b) The department may:

- 15 (1) accept or reject the application; and
16 (2) require an examination as a condition for
17 reinstatement of the license.

18 Sec. 403.207. REPRIMAND; CONTINUING EDUCATION. (a) In
19 addition to other disciplinary action authorized by this
20 subchapter, the commission may:

- 21 (1) issue a written reprimand to a license holder who
22 violates this chapter; or
23 (2) require that a license holder who violates this
24 chapter attend continuing education programs.

25 (b) The commission may specify the number of hours of
26 continuing education that must be completed by a license holder to
27 fulfill the requirement of Subsection (a)(2).

1 Sec. 403.208. EMERGENCY SUSPENSION. (a) The commission or
2 a three-member committee of members designated by the commission
3 shall temporarily suspend the license of a license holder if the
4 commission or committee determines from the evidence or information
5 presented to it that continued practice by the license holder would
6 constitute a continuing and imminent threat to the public welfare.

7 (b) A license may be suspended under this section without
8 notice or hearing on the complaint if:

9 (1) action is taken to initiate proceedings for a
10 hearing before the State Office of Administrative Hearings
11 simultaneously with the temporary suspension; and

12 (2) a hearing is held as soon as practicable under this
13 chapter and Chapter 2001, Government Code.

14 (c) The State Office of Administrative Hearings shall hold a
15 preliminary hearing not later than the 14th day after the date of
16 the temporary suspension to determine if there is probable cause to
17 believe that a continuing and imminent threat to the public welfare
18 still exists. A final hearing on the matter shall be held not later
19 than the 61st day after the date of the temporary suspension.

20 [Sections 403.209-403.250 reserved for expansion]

21 SUBCHAPTER F. PENALTIES AND OTHER ENFORCEMENT PROCEDURES

22 Sec. 403.251. DECEPTIVE TRADE PRACTICE. A violation of
23 Section 403.101 is a deceptive trade practice.

24 Sec. 403.252. CRIMINAL OFFENSE. (a) A person commits an
25 offense if the person violates Section 403.101.

26 (b) An offense under this section is a Class B misdemeanor.

27 SECTION 2. CONFORMING AMENDMENT. The heading to Subtitle

1 G, Title 3, Occupations Code, is amended to read as follows:

2 SUBTITLE G. PROFESSIONS RELATED TO HEARING, ~~[AND]~~ SPEECH, AND
3 LANGUAGE

4 SECTION 3. TRANSITION. Section 51.301, Occupations Code,
5 applies only to a violation of Chapter 403, Occupations Code, as
6 added by this Act, that occurs on or after April 1, 2006.

7 SECTION 4. EFFECTIVE DATE. (a) Except as required by
8 Subsection (b) of this section, this Act takes effect November 1,
9 2005.

10 (b) Section 403.101 and Subchapters E and F, Chapter 403,
11 Occupations Code, as added by this Act, take effect April 1, 2006.

A BILL TO BE ENTITLED

AN ACT:

relating to the regulation of academic dyslexia teachers and therapists; imposing penalties.

JUN 27 2005

Filed with the Secretary of the Senate

EDUCATION

JUN 30 2005

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk _____

Received from the Senate

Read first time and referred to Committee on _____

Reported _____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays